

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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	:	ELECTRONICALLY FILED
MARC S. KIRSCHNER,	:	
As Trustee of the Refco Private Actions Trust	:	07 Civ. 8165 (GEL)
	:	
Plaintiff,	:	Hon. Gerard E. Lynch
	:	
-v-	:	
	:	<b>DECLARATION OF</b>
PHILLIP R. BENNETT, SANTO C. MAGGIO,	:	<b>RUTH A. BRAUN</b>
ROBERT C. TROSTEN, MAYER, BROWN,	:	<b>IN SUPPORT OF</b>
ROWE & MAW, LLP, GRANT THORNTON	:	<b>GRANT THORNTON LLP'S</b>
LLP, and ERNST & YOUNG U.S. LLP,	:	<b>MOTION TO DISMISS</b>
	:	<b><u>THE COMPLAINT</u></b>
Defendants.	:	
	:	
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Ruth A. Braun, under penalty of perjury, hereby declares as follows:

1. I am an attorney at Winston & Strawn LLP, attorneys for Grant Thornton LLP ("Grant Thornton") in the above-captioned action, and am admitted to practice before the courts of the State of New York and the United States District Court for the Southern District of New York. I submit this declaration in support of Grant Thornton's Motion To Dismiss the Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of this Court's September 13, 2007 Opinion and Order dismissing the complaint in *In re Refco Capital Markets, Ltd. Brokerage Customer Sec. Litig.*, No. 06 Civ. 643 (S.D.N.Y. Sept. 13, 2007).

3. Attached hereto as Exhibit B is a true and correct copy of the transcript of Phillip R. Bennett's Plea Colloquy in *United States v. Bennett*, 05 Cr. 1192 (S.D.N.Y. Feb. 15, 2008).

4. Attached hereto as Exhibit C is a true and correct copy of the transcript of Robert C. Trosten's Plea Colloquy in *United States v. Trosten*, 05 Cr. 1192 (S.D.N.Y. Feb. 20, 2008).

5. Attached hereto as Exhibit D is a true and correct copy of the transcript of Santo C. Maggio's Plea Colloquy in *United States v. Maggio*, 07 Cr. 1196 (S.D.N.Y. Dec. 19, 2007).

6. Attached hereto as Exhibit E is a true and correct copy of the Third Superseding Indictment against Phillip R. Bennett, Robert C. Trosten and Tone N. Grant (*United States v. Bennett*, 05 Cr. 1192 (S.D.N.Y.)).

7. Attached hereto as Exhibit F is a true and correct copy of the April 17, 2008 transcript from Tone Grant's criminal trial in *United States v. Grant*, 05 Cr. 1192 (S.D.N.Y.).

8. Attached hereto as Exhibit G is a true and correct copy of the judgment entered by Judge Drain in *Kirschner v. Bencorp Casa de Bolsa, C.A. (In re Refco, Inc.)*, Adv. Proc. No. 06-01745 (RDD) (Bankr. S.D.N.Y. Dec. 29, 2006).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 6, 2008

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/s/  
Ruth A. Braun